

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

NO. 3:23-CR-067-K

v.

JASON XAVIER VILLANUEVA (03)
a.k.a. "Xavi"

FACTUAL RESUME

In support of Jason Xavier Villanueva's plea of guilty to the offense in Count One and Count Five of the Superseding Indictment, Jason Xavier Villanueva, the defendant, Marshall McCallum, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

Elements of the Offense

To prove the offense alleged in Count One of the Superseding Indictment, charging a violation of 21 U.S.C. § 846, that is, conspiracy to possess with the intent to distribute a Schedule II controlled substance, the government must prove each of the following elements beyond a reasonable doubt:

First: That two or more persons, directly or indirectly, reached an agreement to possess with the intent to distribute and to distribute 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [1-(2-phenylethyl) -4-piperidinyl] propenamide (fentanyl), a Schedule II controlled substance;

Second: That the defendant knew the unlawful purpose of the agreement;
and

Third: That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose.

To prove the offense alleged in Count Five of the Superseding Indictment, charging a violation of 21 U.S.C. § 859, that is, distribution of a controlled substance to a person under 21 years of age, the government must prove each of the following elements beyond a reasonable doubt:

First: The defendant knowingly delivered a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propenamide (fentanyl), a Schedule II controlled substance to an underage person;

Second: That the defendant knew that it was a controlled substance or some other prohibited drug;

Third: The defendant was at least eighteen years of age; and

Fourth: The underage person was under twenty-one years of age.

Stipulated Facts

Beginning in or about September 2022 and continuing until February 14, 2023, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, Jason Xavier Villanueva a.k.a. “Xavi” and other persons both known and unknown to him, agreed to and engaged in the distribution of quantities of a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propenamide (fentanyl), a Schedule II controlled substance.

Villanueva admits that beginning in approximately September 2022, he and others known to him conspired in the Northern District of Texas and distributed quantities of counterfeit round blue pills with “M30” imprinted on one side to numerous customers including minors. These pills contained a fentanyl powder mix and are commonly

referred to as “percs,” “yerks” and “M30s” by customers who recreationally ingest the pills.

Villanueva admits and acknowledges that during the period the conspiracy was ongoing, he distributed quantities of “M30” pills containing fentanyl to multiple customers ~~including defendant Luis Eduardo Navarrete and numerous others.~~ MM JV

Villanueva utilized an Instagram account (“hoodhxavi2”) and other instant messaging applications to discuss, negotiate and facilitate drug transactions with customers.

Villanueva admits and acknowledges that his customers included a network of juvenile and adult dealers including but not limited to ~~MM JV~~ (a minor), J.M. (a minor), and L.P. (a minor), that operated in Carrollton, Texas.

Villanueva stipulates that the overall scope of the conspiracy exceeded 40 grams of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propenamide (fentanyl), a Schedule II controlled substance. Villanueva admits that he and a coconspirator known to him would receive multiple shipments of counterfeit “M30” pills each week, and the deliveries would occur at prearranged locations throughout the Dallas area. Each shipment of pills would consist of small and/or larger packs of “M30” pills. Small packs contained approximately 3000 to 4000 pills. Larger packs contained 10,000 pills per pack. Villanueva stipulates that he and coconspirators working with him distributed approximately 40,000 counterfeit “M30” pills to customers each month and that he participated in the conspiracy for approximately five to six months.

Villanueva further admits that one of the juvenile dealers that he distributed

“M30” pills to was a minor named L.P. Specifically, Villanueva admits that on or about January 5, 2023, he distributed multiple “M30” pills containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propenamide (fentanyl), a Schedule II controlled substance to L.P. in exchange for United States currency. Villanueva admits that at the time of this event, he was over the age of eighteen years old, and he knew that L.P. (a minor) was under the age of twenty-one.

Villanueva stipulates that during the period the conspiracy was ongoing, he possessed a firearm in furtherance of the conspiracy. Specifically, Villanueva possessed a Palmetto PA-15 Rifle bearing serial number SCB301781. Villanueva stipulates that the firearm he possessed and was later seized by law enforcement agents in February 2023, is subject to forfeiture.

Villanueva admits and acknowledges that beginning in or about September 2022 and continuing thereafter until February 14, 2023, in the Dallas Division of the Northern District of Texas and elsewhere, he, and other coconspirators both named and not named in the superseding indictment did knowingly, intentionally and unlawfully combine, conspire, confederate, and agree together, with each other and with other persons both known and unknown, to commit certain offenses against the United States, to-wit: to possess with the intent to distribute and to distribute 40 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N- [1- (2-phenylethyl) -4-piperidiny] propenamide (fentanyl), a Schedule II controlled substance.

Villanueva agrees that he committed all the essential elements of the offense in Count One and Count Five of the Superseding Indictment and that the offense(s)


described occurred in the Northern District of Texas, and elsewhere. The defendant further admits he understands this factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Counts One and Five of the Superseding Indictment.

AGREED TO AND STIPULATED on this 8th day of MAY,


2023.

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JASON XAVIER VILLANUEVA
Defendant

5-8-23
Date


MARSHALL MCCALLUM
Attorney For Defendant

5-8-23
Date